

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

JESSE L. PAYNE,

Petitioner,

vs.

SUPERINTENDENT,

Respondent.

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CAUSE NO. 3:12-CV-839 PS

**OPINION AND ORDER**

Jesse L. Payne, a *pro se* prisoner, sent the court three envelopes which arrived at the courthouse on December 17, 2012. These envelopes contained the first 12 pages of a habeas corpus petition as well as other papers. The contents of those three envelopes were used to open this case. Previously, on December 3, 2012, the clerk received an envelope from Payne which contained pages 13 through 16 of a habeas corpus petition. The contents of that envelope were used to open *Payne v. Superintendent*, 3:12-cv-787 (N.D. Ind. December 3, 2012).

Because Payne did not put a cause number on the papers used to open this case and because they arrived in separate envelopes weeks after his prior filing, the clerk logically used them to open a new case. However, it is now clear that the papers used to open this case are related to the partial habeas corpus petition filed in 3:12-cv-787. This case was inadvertently opened. For the foregoing reasons, this case is **CLOSED** and the clerk is **DIRECTED** to docket the contents of this case in 3:12-cv-787.

**SO ORDERED.**

ENTERED: December 21, 2012

s/ Philip P. Simon  
PHILIP P. SIMON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT